

2005 DRAFTING REQUEST

Bill

Received: **01/06/2005**

Received By: **mlief**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2843**

By/Representing: **Binau**

This file may be shown to any legislator: **NO**

Drafter: **mlief**

May Contact:

Addl. Drafters: **pgrant**

Subject: **Higher Education - UW System**
Higher Education - tech. college

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Binau, BB0364 -

Topic:

Nonresident tuition remission for undocumented aliens

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 01/06/2005	csicilia 01/06/2005		_____			State
/1	pgrant 01/14/2005	csicilia 01/14/2005	jfrantze 01/07/2005	_____	mbarman 01/07/2005		State
/2	pgrant 01/18/2005	csicilia 01/18/2005	rschluet 01/14/2005	_____	mbarman 01/14/2005		State
/3			rschluet	_____	lemery		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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01/18/2005 _____

01/18/2005

FE Sent For:

<END>

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/2			rschluet 01/14/2005		mbarman 01/14/2005		

13 gs 1/18
05

[Handwritten signature and initials]

FE Sent For:

<END>

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/?	mlief 01/06/2005	csicilia 01/06/2005					State
/1			jfrantze 01/07/2005		mbarman 01/07/2005		

Handwritten notes: 1/2 gjs 1/14 05, 14, 5, and a large signature.

FE Sent For:

<END>

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See Attached

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/?	mlief 01/06/2005	lrb_editor					
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195 1/6 05
J 1/7
J/Rs
1/7

FE Sent For:

<END>

2005-07 Budget Bill Statutory Language Drafting Request

- Topic: UW System – Nonresident Tuition Remission for Certain Undocumented Persons
- Tracking Code: BB0364
- SBO team: Education
- SBO analyst: R.J. Binau
 - Phone: 6-2843
 - Email: rj.binau@doa.state.wi.us
- Agency acronym: UWS
- Agency number: 285

CORRESPONDENCE\MEMORANDUM

STATE OF WISCONSIN
Department of Administration

Date: January 5, 2005

To: Steve Miller
Legislative Reference Bureau

From: R.J. Binau
Executive Policy and Budget Analyst



Subject: Budget Bill Drafting Request

Please beginning drafting language for the upcoming 2005 -07 budget bill for the following subject.

University of Wisconsin System – Nonresident tuition for Certain Undocumented Persons.

This should be drafted similiar to AB 95 from the 2003 session as submitted by Representative Colon. The bill is attached. If Representative Colon is drafting a new bill for the 2005 session, I would like my drafting request to mirror the 2005 request from Representative Colon.

If you have any questions please call me at 266-2843.

cc: Linda Nelson
Bob Hanle

2005

Date (time)
needed

1/7 (D-N)

LRB- 1521/1

MJR: cjs:

DOA BUDGET DRAFT

Use the appropriate components and routines developed for bills.

>>FOR 2005-07 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget.

.....
.....

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: create → anal: → title: → head

For the subheading, execute: create → anal: → title: → sub

For the sub-subheading, execute: create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: create → anal: → text

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

2003 ASSEMBLY BILL 95

February 20, 2003 - Introduced by Representatives COLON, KRAWCZYK, ZEPNICK, YOUNG, BERCEAU, POCAN, HAHN, J. LEHMAN, TOWNSEND and TURNER, cosponsored by Senators CARPENTER, RISSER and CHVALA. Referred to Committee on Government Operations and Spending Limitations.

head: @

Pat: EDUCATION

Sub: Higher Education

the budget

- 1 AN ACT to create 36.27 (2) (cr) of the statutes; relating to: allowing aliens who
- 2 are not legal permanent residents of the United States to pay resident tuition.

Analysis by the Legislative Reference Bureau

Generally, current law allows a University of Wisconsin (UW) System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least one year following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with the Immigration and Naturalization Service as soon as the person is eligible to do so. *no "the"*

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 36.27 (2) (cr) of the statutes is created to read:

U.S. Citizenship and Immigration Services

ASSEMBLY BILL 95

36.27 **(2) (cr)** A person who is a citizen of a country other than the United States is entitled to the exemption under par. (a) if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a high school graduation equivalency from this state. *U.S. Citizenship and In*

2. The person was continuously present in this state for at least one year following the first day of attending a high school in this state.

3. The person enrolls in an institution and provides that institution with an affidavit stating that the person has filed or will file an application for a permanent resident visa with the Immigration and Naturalization Service as soon as the person is eligible to do so. — 9352 ✓

SECTION 2. Initial applicability; University of Wisconsin System

(1) ~~This act~~ first applies to persons who enroll for the semester or session following the effective date of this subsection.

(END)

treatment

The creation of section 36.27(2) (cr) of the statutes

¶ R.J. Binan;

¶ I assume that you are already familiar with the federal law that arguably preempts embodied in a state law such as the one embodied in this this bill.

¶ Also, ~~there is~~ we are not permitted to requester identical draft a bill for a requester that is identical to or like one to or like one that has not been introduced but that has been drafted for a different requester because doing so would breach confidentiality. ~~Therefore~~ You may wish to contact Rep. Colon ~~with~~ with your request and, ~~however~~ if ^{he} ~~they~~ agrees, have him contact me.

M J L

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1521/1dn
MJL:cjs:jf

January 7, 2005

R. J. Binau:

I assume that you are already familiar with the federal law that arguably preempts a state law such as the one embodied in this bill.

Also, we are not permitted to draft a bill for a requester that is identical to or like one that has not been introduced but that has been drafted for a different requester because doing so would breach confidentiality. You may wish to contact Rep. Colon with your request and, if he agrees, have him contact me.

Madelon J. Lief
Senior Legislative Attorney
Phone: (608) 267-7380

Grant, Peter

From: Lief, Madelon
Sent: Friday, January 14, 2005 10:16 AM
To: Grant, Peter
Subject: FW: LRB Draft: 05-1521/1 Nonresident tuition remission for undocumented aliens



05-1521/1



05-1521/1dn

I'd be happy to do this if you don't want to. Just let me know.
(This expands the tuition exemption to students at the tech colleges.)

-----Original Message-----

From: Binau, RJ
Sent: Thursday, January 13, 2005 3:39 PM
To: Lief, Madelon
Subject: FW: LRB Draft: 05-1521/1 Nonresident tuition remission for undocumented aliens

Lonnie,

To LRB draft 1521 please add the following:

Please create a new section in law, 38.22 (6) (e) to read:

38.22 (6) (e) A person who is a citizen of a country other than the United States if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a high school graduation equivalency from this state.
2. The person was continuously present in this state for at least 3 years following the first day of attending a high school in this state.
3. the person enrolls in a district and provides the district board with an affidavit stating that the person has filed or will file an application for a permanent resident visa with the U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

And make amendments to Section 3 of the draft to incorporate this addition.

Thanks

RJ

-----Original Message-----

From: Frantzen, Jean [mailto:Jean.Frantzen@legis.state.wi.us]
Sent: Friday, January 07, 2005 9:29 AM
To: Binau, RJ
Cc: Hanle, Bob; Hanaman, Cathlene; Haugen, Caroline; Merry-Mason, Monica
Subject: LRB Draft: 05-1521/1 Nonresident tuition remission for undocumented aliens

Following is the PDF version of draft 05-1521/1.

*8 A law to
3 years too*

2005 - 2006 LEGISLATURE

LRB-1521/1

MJL:cjs:jf

2
Stays
PG

DOA:.....Binau, BB0364 - Nonresident tuition remission for undocumented aliens

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least ~~one year~~ following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Do Not
GEN

Three years

A

SECTION 1. 36.27 (2) (cr) of the statutes is created to read:

36.27 (2) (cr) A person who is a citizen of a country other than the United States is entitled to the exemption under par. (a) if that person meets all of the following requirements:

1. The person graduated from a high school in this state or received a high school graduation equivalency from this state.

2. The person was continuously present in this state for at least one year following the first day of attending a high school in this state.

3. The person enrolls in an institution and provides that institution with an affidavit stating that the person has filed or will file an application for a permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

SECTION 9352. Initial applicability; University of Wisconsin System

(1) The treatment of section 36.27 (2) (cr) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

(END)

1-12
- 2 -
(B) 38.22 (6)(e)
SECTION 1. ~~36.27(2)(a)~~ of the statutes is created to read:

2 36.27(2)(a) ~~A~~ person who is a citizen of a country other than the United States
3 is entitled to the exemption under par. (a) if that person meets all of the following
4 requirements:

5 1. The person graduated from a high school in this state or received a high
6 school graduation equivalency from this state.

7 2. The person was continuously present in this state for at least ~~one year~~ ^{3 years}
8 following the first day of attending a high school in this state.

9 3. The person enrolls in ~~an institution~~ ^{a district school} and provides ~~that institution~~ ^{the district board} with an
10 affidavit stating that the person has filed or will file an application for a permanent
11 resident visa with U.S. Citizenship and Immigration Services as soon as the person
12 is eligible to do so.

13 SECTION 9352. Initial applicability; ~~University of Wisconsin System~~ ^{Technical College}

14 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section ~~36.27(2)(a)~~ of the
15 statutes first applies to persons who enroll for the semester or session following the
16 effective date of this subsection.

17 ~~(END)~~

STET:
leave as
typed

38.22 (6)(e)

A

also provides that such
The bill also provides that such
persons are to be considered residents
persons are to be considered residents
of this state for purposes of admission to
of this state for purposes of admission to
and payment of ^{fees at} ~~the~~ fees at
~~and~~ a technical college. ~~and~~



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1521/2 3
MJL&PG:cjs:rs

TUE

DN

(D) stays

DOA:.....Binau, BB0364 - Nonresident tuition remission for undocumented
aliens

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do NOT Gen

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

EDUCATION

HIGHER EDUCATION

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This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.27 (2) (cr) of the statutes is created to read:

2 36.27 (2) (cr) A person who is a citizen of a country other than the United States
3 is entitled to the exemption under par. (a) if that person meets all of the following
4 requirements:

5 1. The person graduated from a high school in this state or received a high
6 school graduation equivalency from this state.

7 2. The person was continuously present in this state for at least three years
8 following the first day of attending a high school in this state.

9 3. The person enrolls in an institution and provides that institution with an
10 affidavit stating that the person has filed or will file an application for a permanent
11 resident visa with U.S. Citizenship and Immigration Services as soon as the person
12 is eligible to do so.

13 **SECTION 2.** 38.22 (6) (e) of the statutes is created to read:

14 38.22 (6) (e) Any person who is a citizen of a country other than the United
15 States if that person meets all of the following requirements:

16 1. The person graduated from a high school in this state or received a high
17 school graduation equivalency from this state.

18 2. The person was continuously present in this state for at least three years
19 following the first day of attending a high school in this state.

20 3. The person enrolls in a district school and provides the district board with
21 an affidavit stating that the person has filed or will file an application for a

permanent resident visa with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

SECTION 9346. Initial applicability Technological College System

(1) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

SECTION 9352. Initial applicability; University of Wisconsin System

(1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the statutes first applies to persons who enroll for the semester or session following the effective date of this subsection.

(END)

DN

This redraft corrects the title^s of
SECTIONS 9346 and 9352.

CS

PG

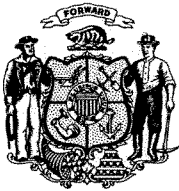
DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1521/3dn
PG:cjs:rs

January 18, 2005

This redraft corrects the titles of SECTIONS 9346 and 9352.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1521/3
MJL&PG:cjs:rs

DOA:.....Binau, BB0364 - Nonresident tuition remission for undocumented aliens

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

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5 1. The person graduated from a high school in this state or received a high
6 school graduation equivalency from this state.

7 2. The person was continuously present in this state for at least three years
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9 3. The person enrolls in an institution and provides that institution with an
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14 38.22 (6) (e) Any person who is a citizen of a country other than the United
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17 school graduation equivalency from this state.

18 2. The person was continuously present in this state for at least three years
19 following the first day of attending a high school in this state.

20 3. The person enrolls in a district school and provides the district board with
21 an affidavit stating that the person has filed or will file an application for a

1 permanent resident visa with U.S. Citizenship and Immigration Services as soon as
2 the person is eligible to do so.

3 **SECTION 9346. Initial applicability; Technical College System.**

4 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the
5 statutes first applies to persons who enroll for the semester or session following the
6 effective date of this subsection.

7 **SECTION 9352. Initial applicability; University of Wisconsin System.**

8 (1) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the
9 statutes first applies to persons who enroll for the semester or session following the
10 effective date of this subsection.

11 (END)